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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,365	01/31/2002	Baljeet Singh Baweja	AUS920010968US1	2933
23550	7590	04/15/2005	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC			PHAN, THANH S	
3 E-COMM SQUARE			ART UNIT	PAPER NUMBER
ALBANY, NY 12207			2841	

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,365

Applicant(s)

BAWEJA ET AL.

Examiner

Thanh S Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 11-12 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai [US 5,966,346] in view of Guyett et al. [US 6,147,935].

Regarding claims 1, 2, 4, 5 and 7, Arai discloses an alarm clock comprising a system for designating distinct and different alarm signals [column 6, lines 17-20]; and a snooze mechanism [rotary bezel 3] for deactivating a first user designated alarm signal and automatically activating a second user designated alarm signal after a predetermined time [abstract].

Arai disclose the claimed invention except for wherein the system allowing the user to designate distinct alarm signals.

Guyett et al. disclose an alarm system wherein the user is capable of awakened to alarms signals as preferred [column 7. last paragraph +].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to choose a preferred alarm signals as suggested by Guyett et al. with Arai for a user to obtain greater appreciation toward awakening.

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Regarding claims 3, 12, Arai further disclose the first alarm signal has a different volume level than the second alarm signal [column 2, lines 50-56].

Regarding claim 6, Arai discloses the claimed invention except for the first and second signal use different harmonics.

Guyett et al. teaches of an alarm clock system having a plurality of pleasant sounds [column 8, lines 15-26].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Guyett et al. with Arai for the purpose of providing pleasant awakening of the sleeper.

Regarding claims 15-18, the methods steps are necessitated by the apparatus structure.

Claims 8, 9, 13, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai in view of Guyett et al. in further of Thorghersen et al. [US 5,524,101].

Arai, as modified, disclose the claimed invention except for a motion detector system that disabled the alarm function after a predetermined period.

Thorghersen et al. disclose a motion controlled alarm clock comprising a motion sensor [column 1, last paragraph +].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the motion sensor design of Thorghersen et al. with Arai, as modified, for the purpose of deactivating the alarm sounding mechanism after a predetermined period.

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Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arai in view of Guyett et al. [US 6,147,935] in further view of Guyett et al. [US 6,310,833].

Regarding claim 10, Arai, as modified, discloses the claimed invention except for a limit maximum snooze quantity.

Guyett et al. [US 6,310,833] teach that it is known in an alarm clock system to have a limit maximum snooze quantity as set forth at column 7, lines 61-63. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Guyett et al. [US 6,310,833] with Arai, as modified, so that the user may avoid falling back into a deep sleep.

Response to Arguments

Applicant's arguments filed 01/10/05 have been fully considered but they are not persuasive.

Regarding claims 1, 11 and 15, the Applicant argues that Arai fails to teach a user **designated** a first and a second alarm. Examiner disagrees: as stated in the above rejection and acknowledged by the Applicant: Arai teaches a rotary bezel that "...set a time interval from the time when the sounding of a first alarm "A" ends to the time when the sounding of a second alarm "B" starts." [remarks, last paragraph on page 7]. The act of **setting** is equivalent to **designating**, therefore a first user designated alarm "A" and a second user designated "B" is demonstrated. Further, the combination of Arai and Guyett is to resolve the "different alarm signals" limitations not the above limitation.

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Regarding claim 11 and with respect to claims 2, 3, 12 and 15, in response to Applicant arguments against the references individually: "Arai fails to teach or suggest allowing a user to designate distinct volume levels for successive alarm signals... Guyett does not cure this deficiency." [remarks, pages 8-9], one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Guyett, rather than Arai, is relied on to show the distinct volume levels or types of successive alarm signals [column 7, last paragraph – column 8 line 27]. In claim 2, Arai teaches that the activation of a snooze mechanism/bezel results in a new user designated alarm signal "A" and "B" as mentioned above.

Regarding claims 7, 13, and 19, the Applicant fails to point out how the amended language, "a plurality of predetermined times", patentably differentiates themselves from the applied art. However, for completeness of the response, a clock or any timepiece devices comprise "designating a plurality of predetermined times" such as minute, hour, an interval of five minutes as conventionally indicated on a clock dial or any interval of time thereof.

Regarding claims 8, 13 and 19, the Applicant with respect to the, "... motion detection system...if no motion is detected proximate the alarm clock during the motion detection period.", limitation is not persuasive. Thorgeresen discloses an alarm clock with a motion sensor that detects any moment [e.g., waving a hand]...and silences the alarm for a preselected time interval, before the sounding of the alarm resumed (snooze

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function) [abstract]. This is an indication of disablement of the snooze function when no motion is detected; which is read upon "an alarm function of the alarm clock is disabled if no motion is detected..." limitation in claims 8, 13 and 19.

For the foregoing reasons, the claims continue to be anticipated by Arai alone or in combination with others. Accordingly, the Examiner's rejection is upheld.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

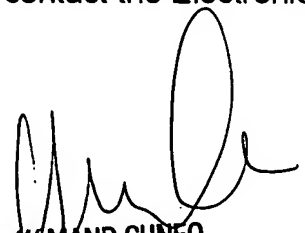
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp



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